IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO. 275 OF 2005
IN
SUMMARY SUIT NO. 3486 OF 2002

Bharat B. Divecha & anr. : Plaintiff

v/s

Monica Sachdeva & ors : Defendants

G.J. Makhija with Ms. P. Shah for plaintiffs
S.A. Bhagwat for defendants 2a nd 3

Coram : R.S. Dalvi,J
Date:8.7.2008

P.C.

1. The plaintiffs have claimed to have given friendly loans from time to time to defendant no.1 in the name of the proprietary concern of defendant no.1. Exparte decree has already been passed against defendant no.1. Defendants no. 2a and 3 are her other relatives. The loan is not taken by these persons.

2. The statement of account made by the parties in a meeting to take accounts and settle the dispute is based on only one initial. The true copy of the statement of account is given by the C.A. before whom the account was taken. Summary suit cannot be maintained upon a copy of the statement of account initialled by the C.A. or by a party whose initial is not identified. The defendants 2a and 3 shall have

unconditional leave to defend the suit. The defendant nos. 2a and 3 shall file WS within 8 weeks failing which the suit shall be put upon board for exparte hearing.

(R.S. Dalai,J.)